

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ABRAHAM PREQUERA,
Plaintiff,

V.

RONALD JOSEPH KNEELAND and
WAL-MART TRANSPORTATION, LLC
Defendants.

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Civil Action No. 5:15-cv-532

INDEX OF MATTERS BEING FILED

TO: THE CLERK OF THE WESTERN DISTRICT COURT OF TEXAS, SAN ANTONIO
DIVISION

Defendants, Ronald Joseph Kneeland and Wal-Mart Transportation, LLC, attach this
Index of Matters Being Filed to their Notice of Removal.

1. Bexar County Docket Report (Cause No. 2015CI06904);
2. Plaintiff's Original Petition;
3. Citation to Ronald Joseph Kneeland;
4. Citation to Wal-Mart Transportation, LLC;
5. Defendant Ronald Joseph Kneeland's Original Answer; and
6. Defendant Wal-Mart Transportation, LLC's Original Answer.



Bexar County

District Clerk/County Clerk Search

Full Case Information

Case Summary

Case Information for Cause #: 2015CI06904

ABRAHAM PREQUERA vs RONALD J KNEELAND ET AL

Cause No. : 2015CI06904
Name : RONALD JOSEPH KNEELAND
Business Name :
Litigant Type : DEFENDANT
Date Filed : 04/27/2015
Docket Type : MOTOR VEHICLE ACCIDENT
Case Status : PENDING
Court : 285

Information as of: 06/29/2015 03:44:52 PM

Case History

Currently viewing 1 through 8 of 8 records.

Type/Sequence	Date Filed	Description
P00001	4/27/2015	PETITION
P00002	4/27/2015	SERVICE ASSIGNED TO CLERK 2
S00001	4/28/2015	CITATION RONALD JOSEPH KNEELAND ISSUED: 4/28/2015 RECEIVED: 5/29/2015 EXECUTED: 5/30/2015 RETURNED: 6/4/2015
S00002	4/28/2015	CITATION WAL-MART TRANSPORTATION LLC ISSUED: 4/28/2015 RECEIVED: 5/27/2015 EXECUTED: 6/6/2015 RETURNED: 6/11/2015
P00003	6/19/2015	ORIGINAL ANSWER OF RONALD JOSEPH KNEELAND
P00004	6/19/2015	JURY DEMAND JURY FEE PAID
P00005	6/26/2015	ORIGINAL ANSWER OF WAL-MART TRANSPORTATION LLC
P00006	6/26/2015	JURY DEMAND JURY FEE PAID

FILED
4/27/2015 2:37:38 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Mada Jackson

2 CITS PPS/SAC 2 M/O

CAUSE NO. **2015CI06904**

ABRAHAM PREQUERA

V.

RONALD JOSEPH KNEELAND and
WAL-MART TRANSPORTATION, LLC

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§
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IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

285 JUDICIAL DISTRICT COURT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ABRAHAM PREQUERA, Plaintiff, complaining of Defendants RONALD JOSEPH KNEELAND and WAL-MART TRANSPORTATION, LLC and in support would show the Court as follows:

I.

Discovery is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure 190.

II.

Plaintiff, ABRAHAM PREQUERA, is a resident of Harris County, Texas. The last 3 digits of Plaintiff's Texas driver's license are 109.

Defendant, RONALD JOSEPH KNEELAND, a resident of Bell County, Texas and may be served process at his last known address: 303 Coby Dr., Unit B, Troy, Texas 76579.

Defendant, WAL-MART TRANSPORTATION, LLC, is a foreign limited liability company incorporated in the state of Arizona and may be served process through its registered agent CT Corporation System at: 2390 E. Camelback Road, Phoenix, Arizona 85016.

III.

On or about October 19, 2014 Plaintiff, ABRAHAM PREQUERA was involved in a motor vehicle accident, which occurred in BEXAR County, Texas. At the time in question, Plaintiff sustained serious and disabling injuries when his automobile was struck by a semi tractor-trailer operated by Defendant, RONALD JOSEPH KNEELAND, and owned by Defendant, WAL-MART TRANSPORTATION, LLC.

IV.

At the time of the accident made the basis of this suit, Defendant, RONALD JOSEPH KNEELAND was operating the aforementioned vehicle in a negligent and careless manner in the following respects, which, among others, may be shown at the trial of this cause:

1. Failing to keep a proper lookout;
2. Failing to apply the brakes in time;
3. Failing to take evasive action;
4. Engaging in activities inside the vehicle while driving;
5. Driver attention;
6. Failing to operate the vehicle in obedience to traffic laws and regulations;
7. Violating the TEX. TRANSP. CODE ANN. §545.401 *et seq.*;
8. Failing to keep a proper distance between Defendant's vehicle and the vehicle in front of it;
9. In driving recklessly and showing reckless disregard for human life; and
10. Failure to yield right of way.

V,

Each of these acts and omissions, singularly or in combination with others, constitute gross negligence, where Defendant RONALD JOSEPH KNEELAND was aware of the risks involved but still proceeded with a conscious indifference to the rights, safety, and welfare of others, which was the proximate cause of this incident, and the injuries sustained by the Plaintiff. Additionally, Defendant RONALD JOSEPH KNEELAND was aware of the extreme degree of risk involved in operating a commercial vehicle yet he failed to control his speed in which there was a likelihood of serious injury to Plaintiff.

VI.

Defendant, RONALD JOSEPH KNEELAND was an agent and/or servant of Defendant, WAL-MART TRANSPORTATION, LLC. As such, Defendant WAL-MART TRANSPORTATION, LLC is responsible for the conduct of Defendant, RONALD JOSEPH KNEELAND due to the master-servant relationship, which existed, under the doctrine of Respondeat Superior.

Defendant, RONALD JOSEPH KNEELAND was an employee, agent and/or servant of Defendant, WAL-MART TRANSPORTATION, LLC. As such, Defendant, WAL-MART TRANSPORTATION, LLC is responsible for the conduct of Defendant, RONALD JOSEPH KNEELAND, among other acts and omissions of negligence, which may be shown at the trial of this cause. Additionally, and without waiving any of the foregoing, said Defendant, WAL-MART TRANSPORTATION, LLC, negligently hired, trained, entrusted, supervised and retained the vehicle and duties and responsibilities to Defendant, RONALD JOSEPH KNEELAND, because it knew and/or had reason to know that he was not a safe and prudent driver. The negligence was a proximate cause of Plaintiff's damages.

Each of these acts and omissions, singularly or in combination with others, constitute negligence that was the proximate cause of this incident, and the injuries sustained by Plaintiff, ABRAHAM PREQUERA.

VII.

Plaintiff, ABRAHAM PREQUERA, would show that nothing they did, or failed to do, in any way contributed to this accident.

VIII.

Plaintiff seek recovery for the following:

1. Physical pain and disability sustained by Plaintiff from date of injury to the time of trial;
2. Future physical pain and disability reasonably anticipated to be sustained by Plaintiff in the future;
3. Mental anguish and suffering sustained by Plaintiff from date of injury to time of trial;
4. Mental anguish and suffering reasonably anticipated to be suffered by Plaintiff in the future;
5. Loss of earnings sustained by Plaintiff from date of injury to time of trial;
6. Loss of earnings and earning capacity reasonably anticipated to be suffered by Plaintiff in the future;
7. Reasonable and necessary medical expenses incurred by Plaintiff in the treatment of Plaintiff's injuries from date of injury to time of trial;
8. Reasonable and necessary medical expenses reasonably anticipated to be sustained by Plaintiff in the future for treatment of Plaintiff's injuries;
9. Past and future physical disfigurement; and
10. Past and future physical impairment.

Plaintiff, ABRAHAM PREQUERA seeks damages within the jurisdictional limits of the Court.

X.

If any injury or condition currently suffered was pre-existing, then such condition was aggravated and/or exacerbated by the negligence of the Defendants.

XI.

As such, Plaintiff, ABRAHAM PREQUERA, affirmatively pleads that he seeks monetary relief in an amount exceeding two hundred thousand dollars (\$ 200,000.00) but less than one million dollars (\$ 1,000,000.00).

XII.


WHEREFORE, PREMISES CONSIDERED, Plaintiff, ABRAHAM PREQUERA, prays that Defendants RONALD JOSEPH KNEELAND and WAL-MART TRANSPORTATION, LLC be cited to appear and answer, and that upon final trial, Plaintiff recover from Defendants, jointly and severally, a sum within the jurisdictional limits of the Court, costs of Court, pre-judgment and post-judgment interest at the legal rate, and for any and all further relief, both general and special, legal and equitable to which Plaintiff may be justly entitled.

REQUEST FOR DISCLOSURE

Under Rule 194 of the Texas Rules of Civil Procedure, Plaintiff request that Defendants RONALD JOSEPH KNEELAND and WAL-MART TRANSPORTATION, LLC disclose, within fifty (50) days of service of this request, the information and material described in 194.2

Respectfully submitted,

HIGDON LAWYERS



PAUL A. HIGDON
SBN: 09390700
601 Sawyer, Suite 210
Houston, Texas 77007
713/223-7300 Telephone
713/223-7331 Facsimile

ATTORNEY FOR PLAINTIFF

CIVIL PROCESS REQUEST

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED: Plaintiff's Original Petition, Request for Disclosure, Request for Production, Request for Admissions, Interrogatories

SERVICE TO BE ISSUED ON:

1. NAME: RONALD JOSEPH KNEELAND
ADDRESS: 303 Coby Dr., Unit B
Troy, Texas 76579
TYPE OF SERVICE: Citation
SERVICE BY: Private process service: After Citation is complete, Please MAIL TO: Paul Higdon, HIGDON LAWYERS, 601 Sawyer, Suite 210, Houston, TX 77007
2. NAME: WAL-MART TRANSPORTATION, LLC
AGENT: CT Corporation System
ADDRESS: 2390 E. Camelback Road
Phoenix, AZ 85016
TYPE OF SERVICE: Corporate Citation
SERVICE BY: Private process service: After Citation is complete, Please MAIL TO: Paul Higdon, HIGDON LAWYERS, 601 Sawyer, Suite 210, Houston, TX 77007

ATTORNEY REQUESTING SERVICE:

Paul A. Higdon, SBN: 09590700, Higdon Lawyers, 601 Sawyer, Suite 210, Houston, Texas 77007, 713/223-7300, 713/223-7331 Facsimile, Paul@higdonlawyers.com

PRIVATE PROCESS

ABRAHAM PREQUERA

VS.

RONALD J KNEELAND ET AL

(Note: Attached Document May Contain Additional Litigants.)

Case Number: 2015-CI-06904

CAME TO HAND: 5/27/15
DELIVERED: 5/30/15

by: Gary Murphy SCA 11230



2015CI06904 988881

IN THE DISTRICT COURT
285th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: RONALD JOSEPH KNEELAND

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 27th day of April, 2015.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 28TH DAY OF APRIL A.D., 2015.

PETITION

PAUL HIGDON

ATTORNEY FOR PLAINTIFF

601 SAWYER ST 210

HOUSTON, TX 77007-7523



Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Lisa Sanchez, Deputy

OFFICER'S RETURN

I received this citation on MAY 29 at 4:00 o'clock P. and: () executed
it by delivering a copy of the citation with the date of delivery endorsed on it to the
defendant, RONALD J. KNEELAND in person on the 5/30/15 at
9:17 o'clock A. M. at: 303 CORY DR., TROY, TX or () not executed
because _____

Date certification expires: 11/30/2017 Fees: 60.00 Badge/PPS #: SCH0000011230

BELL County, Texas

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO this
By: Gary Murphy

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my
address is _____ (County),

I declare under penalty of perjury that the foregoing is true and correct. Executed in
_____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

ORIGINAL (DK802)

STZPK
B6

PRIVATE PROCESS

Case Number: 2015-CI-06904



2015CI06904 S00002

ABRAHAM PREQUERA

VS.

RONALD J KNEELAND ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
285th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: WAL-MART TRANSPORTATION LLC

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 27th day of April, 2015.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 28TH DAY OF APRIL A.D., 2015.

PETITION

PAUL HIGDON
ATTORNEY FOR PLAINTIFF
601 SAWYER ST 210
HOUSTON, TX 77007-7523



Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Lisa Sanchez*, Deputy

OFFICER'S RETURN

I received this citation on _____ at _____ o'clock ____ M. and: () executed it by delivering a copy of the citation with the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____ Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas.

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO this _____.

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ (County).

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

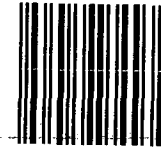
Declarant

ORIGINAL (DK002)

LONE STAR ATTORNEY SERVICE
6065 HILLCROFT, SUITE 406
HOUSTON, TX 77081



7012 1640 0000 9063 3334



U.S. POSTAGE
PAID
HOUSTON, TX
77057
MAY 28, 15
AMOUNT

1000

85016

\$8.24
00096199-09

WAL-MART TRANSPORTATION, LLC
c/o CT CORPORATION SYSTEM

CTCO390 850163020-1415 06/04/15
NOTIFY SENDER OF NEW ADDRESS
:CT CORPORATION SYSTEM
3800 N CENTRAL AVE STE 460
PHOENIX AZ 85012-1995





**Service of Process
Transmittal**

06/05/2015

CT Log Number 527246801

TO: Kim Lundy Service of Process, Legal Support Supervisor
Wal-Mart Stores, Inc.
702 SW 8th St MS 215
Bentonville, AR 72716-6209

RE: Process Served in Arizona

FOR: Wal-Mart Transportation, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Prequera Abraham, Pltf. vs. Ronald Joseph Kneeland and Wal-Mart Transportation, LLC, Dfts.

DOCUMENT(S) SERVED: Citation, Original Petition, Civil Process Request, Request, First Request(s) for Production, First Set(s) of Interrogatories

COURT/AGENCY: Bexar County: 285 Judicial District Court, TX
Case # 2015CI06904

NATURE OF ACTION: Personal Injury - Vehicle Collision - On or about October 19, 2014

ON WHOM PROCESS WAS SERVED: C T Corporation System, Phoenix, AZ

DATE AND HOUR OF SERVICE: By Certified Mail on 06/05/2015 postmarked on 05/28/2015

JURISDICTION SERVED : Arizona

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after service (Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): Paul A. Higdon
601 Sawyer
Suite 210
Houston, TX 77007-7523
713-223-7300

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Kim Lundy Service of Process ctlawsuits@walmartlegal.com

SIGNED: C T Corporation System

ADDRESS: 3800 N Central Avenue
Suite 460
Phoenix, AZ 85012

TELEPHONE: 602-248-1145

CAUSE NO. 2015CI06904

ABRAHAM PREQUERA,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
V.	§	BEXAR COUNTY, TEXAS
	§	
RONALD JOSEPH KNEELAND and	§	
WAL-MART TRANSPORTATION, LLC,	§	
<i>Defendants.</i>	§	285 TH JUDICIAL DISTRICT

DEFENDANT RONALD JOSEPH KNEELAND'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ronald Joseph Kneeland, one of the Defendants in the above entitled and numbered cause, and files his Original Answer and as grounds therefore would respectfully show unto the Court and Jury as follows:

I.
GENERAL DENIAL

1. The TEXAS RULES OF CIVIL PROCEDURE and, in particular Rule 92, affords citizens and corporations of this state certain protections with respect to lawsuits of this type. Accordingly, Defendant Ronald Joseph Kneeland invokes the provisions of that rule and do generally deny the allegations now made against him by the Plaintiff and his attorney.

2. At any trial of this cause, Defendant will exercise his legal rights in this regard and require Plaintiff to carry the burden of proof, which the law imposes upon him, to prove each and every material allegation contained in his pleadings by a preponderance of the credible evidence.

II.
DEFENSES

3. Defendant would show onto the Court that as to medical expenses only the amount actually paid and/or incurred by Plaintiff is recoverable by Plaintiff in this lawsuit.

TEXAS CIVIL PRACTICE & REMEDIES CODE SECTION 41.0105. Any amount that is discounted, written off, or adjusted following contribution of a third party payor (including but not limited to Medicaid, Medicare or by Managed Care Administrator) is not an amount that is “paid or incurred,” and should not be submitted to the jury or included in any economic damage award.

4. Plaintiff’s damages with respect to loss of earnings and/or loss of earning capacity, if any, are limited to a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law as set forth in §18.091 of the TEXAS PRACTICE & REMEDIES CODE.

5. Pleading further, Defendant Ronald Joseph Kneeland states that Plaintiff is not entitled to recover punitive damages or exemplary damages in any form or fashion in his alleged cause of action in that it would violate Defendant’s rights under the Constitution of the United States and the Constitution of the State of Texas. In the alternative, and without waiving the foregoing, Defendant is entitled to the protections afforded to him under Texas Civil Practice & Remedies Code § 41.003, *et seq.*

III. JURY DEMAND

6. Defendant tenders his statutory jury fee and demands a trial by jury.

IV. REQUEST FOR DISCLOSURE

7. Pursuant to Tex. R. Civ. P. 194, Plaintiff is hereby requested to disclose within 30 days after service of this Original Answer and Request for Disclosure, the information or material listed in Rule 194.2, with such information or material to be produced at Castagna Scott LLP, 1120 S. Capital of Texas Highway, Building 2, Suite 270, Austin, Texas 78746.

V.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Ronald Joseph Kneeland prays that upon final hearing of this cause that the Court enter its judgment to the effect that Plaintiff take nothing by way of his cause of action against Defendant Ronald Joseph Kneeland, that Defendant Ronald Joseph Kneeland is awarded court costs, legal interest, both prejudgment and post judgment interest, and for such other and further relief to which the Defendant may be justly entitled, either at law or in equity.

Respectfully submitted,

CASTAGNA SCOTT, L.L.P.
1120 S. Capital of Texas Highway
Building 2, Suite 270
Austin, Texas 78746
512/329-3290
888/255-0132 fax
Lynn@texasdefense.com

By: /s/ Lynn S. Castagna
Lynn S. Castagna
State Bar No. 03980520
Celeste P. Kronenberger
State Bar No. 24048946

**ATTORNEYS FOR DEFENDANT
RONALD JOSEPH KNEELAND**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by electronic service via Texas Online, certified mail, return receipt requested, or facsimile to:

VIA FACSIMILE: 713/223-7331

Paul Higdon
HIGDON LAWYERS
601 Sawyer, Suite 210
Houston, Texas 77007

in accordance with the Texas Rules of Civil Procedure, on the 19th day of June, 2015.

/s/ Lynn S. Castagna
Lynn S. Castagna

W/JD

CAUSE NO. 2015CI06904

ABRAHAM PREQUERA,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
V.	§	BEXAR COUNTY, TEXAS
	§	
RONALD JOSEPH KNEELAND and	§	
WAL-MART TRANSPORTATION, LLC,	§	
<i>Defendants.</i>	§	285 TH JUDICIAL DISTRICT

DEFENDANT WAL-MART TRANSPORTATION, LLC'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Wal-Mart Transportation, LLC, one of the Defendants in the above entitled and numbered cause, and files its Original Answer and as grounds therefore would respectfully show unto the Court and Jury as follows:

I.
GENERAL DENIAL

1. The TEXAS RULES OF CIVIL PROCEDURE and, in particular Rule 92, affords citizens and corporations of this state certain protections with respect to lawsuits of this type. Accordingly, Defendant Wal-Mart Transportation, LLC invokes the provisions of that rule and does generally deny the allegations now made against it by the Plaintiff and his attorney.

2. At any trial of this cause, Defendant will exercise its legal rights in this regard and require Plaintiff to carry the burden of proof, which the law imposes upon him, to prove each and every material allegation contained in his pleadings by a preponderance of the credible evidence.

II.
DEFENSES

3. Defendant Wal-Mart Transportation, LLC would show onto the Court that as to medical expenses only the amount actually paid and/or incurred by Plaintiff is recoverable by Plaintiff in this lawsuit. TEXAS CIVIL PRACTICE & REMEDIES CODE SECTION 41.0105. Any

amount that is discounted, written off, or adjusted following contribution of a third party payor (including but not limited to Medicaid, Medicare or by Managed Care Administrator) is not an amount that is “paid or incurred,” and should not be submitted to the jury or included in any economic damage award.

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5. Pleading further, Defendant Wal-Mart Transportation, LLC states that Plaintiff is not entitled to recover punitive damages or exemplary damages in any form or fashion in his alleged cause of action in that it would violate Defendant Wal-Mart Transportation, LLC’s rights under the Constitution of the United States and the Constitution of the State of Texas. In the alternative, and without waiving the foregoing, Defendant Wal-Mart Transportation, LLC is entitled to the protections afforded to it under Texas Civil Practice & Remedies Code § 41.003, *et seq.*

6. Defendant Wal-Mart Transportation, LLC has been incorrectly sued is not liable in the capacity in which they have been sued.

III.

JURY DEMAND

7. Defendant Wal-Mart Transportation, LLC tenders its statutory jury fee and demands a trial by jury.

IV.
REQUEST FOR DISCLOSURE

8. Pursuant to Tex. R. Civ. P. 194, Plaintiff is hereby requested to disclose within 30 days after service of this Original Answer and Request for Disclosure, the information or material listed in Rule 194.2, with such information or material to be produced at Castagna Scott LLP, 1120 S. Capital of Texas Highway, Building 2, Suite 270, Austin, Texas 78746.

V.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Wal-Mart Transportation, LLC prays that upon final hearing of this cause that the Court enter its judgment to the effect that Plaintiff take nothing by way of his cause of action against Defendant Wal-Mart Transportation, LLC, that Defendant Wal-Mart Transportation, LLC, is awarded court costs, legal interest, both prejudgment and post judgment interest, and for such other and further relief to which the Defendant Wal-Mart Transportation, LLC may be justly entitled, either at law or in equity.

Respectfully submitted,

CASTAGNA SCOTT, L.L.P.
1120 S. Capital of Texas Highway
Building 2, Suite 270
Austin, Texas 78746
512/329-3290
888/255-0132 fax
Lynn@texasdefense.com

By: /s/ Lynn S. Castagna
Lynn S. Castagna
State Bar No. 03980520
Celeste P. Kronenberger
State Bar No. 24048946

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by electronic service via Texas Online, certified mail, return receipt requested, or facsimile to:

VIA FACSIMILE: 713/223-7331

Paul Higdon
HIGDON LAWYERS
601 Sawyer, Suite 210
Houston, Texas 77007

in accordance with the Texas Rules of Civil Procedure, on the 26th day of June, 2015.

/s/ Lynn S. Castagna
Lynn S. Castagna